

§ 5.301

(c) Emergency operation undertaken pursuant to the provisions of this section shall be discontinued as soon as substantially normal communications facilities have been restored. The Commission may at any time order discontinuance of such operation.

Subpart E—Program Experimental Radio Licenses

§ 5.301 Applicable rules.

In addition to the rules in this subpart, program experimental applicants and licensees must follow the rules in subparts B and C of this part. In case of any conflict between the rules set forth in this subpart and the rules set forth in subparts B and C of this part, the rules in this subpart shall govern.

§ 5.302 Eligibility.

Program experimental licensees may be granted to the following entities: a college or university with a graduate research program in engineering that is accredited by the Accreditation Board for Engineering and Technology (ABET); a research laboratory; a hospital or health care institution; a manufacturer of radio frequency equipment; or a manufacturer that integrates radio frequency equipment into its end product. Each applicant must meet the following requirements:

- (a) The radiofrequency experimentation will be conducted in a defined geographic area under the applicant's control;
- (b) The applicant has institutional processes to monitor and effectively manage a wide variety of research projects; and
- (c) The applicant has demonstrated expertise in radio spectrum management or partner with another entity that has such expertise.

[78 FR 25162, Apr. 29, 2013, as amended at 79 FR 48691, Aug. 18, 2014]

§ 5.303 Frequencies.

Licensees may operate in any frequency band, except for the following:

- (a) Frequency bands at or below 38.6 GHz that are designated as restricted in § 15.205(a) of this chapter; and
- (b) Frequency bands above 38.6 GHz that are listed in footnote US246 of the

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Table of Frequency Allocations in § 2.106 of this chapter.

[79 FR 48691, Aug. 18, 2014]

§ 5.304 Area of operations.

Applications must specify, and the Commission will grant authorizations for, a geographic area that is inclusive of an institution's real-property facilities where the experimentation will be conducted and that is under the applicant's control. If an applicant wants to conduct experiments in more than one defined geographic area, it shall apply for a license for each location.

§ 5.305 Program license not permitted.

Experiments are not permitted under this subpart and a conventional experimental radio license is required when:

- (a) An environmental assessment must be filed with the Commission as required by § 5.63(a), or
- (b) An orbital debris mitigation plan must be filed with the Commission as required by § 5.64, or
- (c) The applicant requires non-disclosure of proprietary information as part of its justification for its license application; or
- (d) A product development or a market trial is to be conducted.

§ 5.307 Responsible party.

(a) Each program experimental radio applicant must identify a single point of contact responsible for all experiments conducted under the license, including

- (1) Ensuring compliance with the notification requirements of § 5.309 of this part; and
- (2) Ensuring compliance with all applicable FCC rules.

(b) The responsible individual will serve as the initial point of contact for all matters involving interference resolution and must have the authority to discontinue any and all experiments being conducted under the license, if necessary.

(c) The license application must include the name of the responsible individual and contact information at which the person can be reached at any time of the day; this information will be listed on the license. Licensees are required to keep this information current.